•	Application No.	Applicant(s)	
Notice of Allowability E	10/057,897	UE ET AL.	
	Examiner	Art Unit	
	Alon T Cont	2694	
	Alan T. Gantt	2684	· .
The MAILING DATE of this communication apper All claims being allowable, PROSECUTION ON THE MERITS IS herewith (or previously mailed), a Notice of Allowance (PTOL-85) NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RI of the Office or upon petition by the applicant. See 37 CFR 1.313	(OR REMAINS) CLOSED in or other appropriate commits (GHTS). This application is:	n this application. If not included unication will be mailed in due cours	se. THIS
1. This communication is responsive to <u>2/22/05</u> .			
2. The allowed claim(s) is/are 31-34.		•	
3. $\boxtimes$ The drawings filed on <u>29 January 2002</u> are accepted by the	e Examiner.		
<ul> <li>4.  Acknowledgment is made of a claim for foreign priority un</li> <li>a)  All b)  Some* c)  None of the:</li> <li>1.  Certified copies of the priority documents have</li> </ul>		or (f).	
<ol><li>Certified copies of the priority documents have</li></ol>	been received in Application	on No. <u>09/424,843</u> .	
3.  Copies of the certified copies of the priority doc	cuments have been receive	d in this national stage application fr	rom the
International Bureau (PCT Rule 17.2(a)).			
* Certified copies not received:			
Applicant has THREE MONTHS FROM THE "MAILING DATE" on noted below. Failure to timely comply will result in ABANDONM THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.	of this communication to file ENT of this application.	a reply complying with the requiren	nents
5. A SUBSTITUTE OATH OR DECLARATION must be submit INFORMAL PATENT APPLICATION (PTO-152) which give			E OF
6. CORRECTED DRAWINGS ( as "replacement sheets") mus	t be submitted.		
(a) $\square$ including changes required by the Notice of Draftspers	on's Patent Drawing Review	w ( PTO-948) attached	
1) ☐ hereto or 2) ☐ to Paper No./Mail Date			
(b) ☐ including changes required by the attached Examiner's Paper No./Mail Date	Amendment / Comment of	r in the Office action of	
Identifying indicia such as the application number (see 37 CFR 1. each sheet. Replacement sheet(s) should be labeled as such in the	84(c)) should be written on the header according to 37 CF	he drawings in the front (not the back	) of
7. DEPOSIT OF and/or INFORMATION about the deposit attached Examiner's comment regarding REQUIREMENT R	SIT OF BIOLOGICAL MATE FOR THE DEPOSIT OF BIO	ERIAL must be submitted. Note to DLOGICAL MATERIAL.	he
·			
Attachment(s) 1. ☐ Notice of References Cited (PTO-892)	5 🗖 Notice of In	formal Potent Application (PTO 153	)\
2. Notice of Draftperson's Patent Drawing Review (PTO-948)		iformal Patent Application (PTO-152) ummary (PTO-413),	.)
	Paper No.	/Mail Date Amendment/Comment	
<ol> <li>Information Disclosure Statements (PTO-1449 or PTO/SB/08         Paper No./Mail Date     </li> </ol>			
4. Examiner's Comment Regarding Requirement for Deposit		Statement of Reasons for Allowanc	e e
of Biological Material	9. 🔲 Other	<del>_</del> ·	

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**DETAILED ACTION** 

(Including an Examiner's Amendment)

Response to Arguments

Applicant's arguments filed 2/22/05 have been fully considered and are deemed persuasive. Applicant primarily argues that the Noneman reference state that an acknowledgment signal informs the source that sufficient capacity exists to support the peak transmission rate and this is not the same as information on reception quality being sent back to the source station where the base or source station changes the rate based solely on this received information. With a priority date going back to 4/17/98, applicant's claim language distinguishes applicant's invention from the prior art.

**EXAMINER'S AMENDMENT** 

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney James Ledbetter on 6/10/05The application has been amended as follows:

IN THE CLAIMS

Claim 35 has been cancelled.

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Allowable Subject Matter

Claims 31-34 are allowed.

The following is an examiner's statement of reasons for allowance: Regarding the claims,

the examiner is in agreement with applicant's arguments as to the reasons for allowance.

Any comments considered necessary by applicant must be submitted no later than the

payment of the issue fee and, to avoid processing delays, should preferably accompany the issue

fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for

Allowance."

Conclusion

Any inquiry concerning this communication from the examiner should be addressed to Alan Gantt at telephone number (571) 272-7878. The examiner can normally be reached between 9:30 AM and 6 PM within the Eastern Time Zone. The group FAX number is (703)

872-9306.

Any inquiry of a general nature or relating to this application should be directed to

Supervisory Patent Examiner Nay Maung at telephone number (571) 272-7882.

Alan T. Gantt

June 10, 2005

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